

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 20-cr-20278

v.

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

GREGORY JOHNSON,

Defendant.

**OPINION AND ORDER GRANTING DEFENSE COUNSEL’S MOTION TO
WITHDRAW AS COUNSEL [#33]**

Presently before the Court is John M. McManus’ (“Defense Counsel”) Motion to Withdraw as Counsel for Defendant Gregory Johnson (“Defendant”), which was filed on November 25, 2020. *See* ECF No. 33. In his Motion, Defense Counsel asserts that there has been a material breakdown in the attorney-client relationship to the extent that he should no longer represent Defendant. *Id.* at PageID.179. A hearing on this matter was held on December 14, 2020.

“Federal courts have an independent interest in ensuring that criminal trials are conducted within the ethical standards of the profession and that legal proceedings appear fair to all who observe them.” *Wheat v. United States*, 486 U.S. 153, 160 (1988). Moreover, the Eastern District of Michigan’s Local Rules provide:

(a) An attorney, whether retained or appointed, who enters a post-

indictment appearance shall continue to represent the defendant until the case is dismissed, the defendant is acquitted, or the direct appeal is completed unless the attorney is granted leave to withdraw by the District Court or the Court of Appeals if notice of appeal has been filed.

- (b) An attorney who has appeared in a criminal case may thereafter withdraw only by written motion served upon the defendant personally or at the defendant's last-known address and upon all other parties. The Court may deny a motion to withdraw if the attorney's withdrawal would unduly delay trial of the case, or be unfairly prejudicial to any party, or otherwise not be in the interest of justice.

E.D. Mich. LR 57.1(a), (b).

Here, Defense Counsel explains that there has been a material breakdown in his relationship with Defendant such that the “objects of representation can longer be met.” ECF No. 33, PageID.179. Based on Defense Counsel’s present Motion and the hearing on December 14, 2020, the Court finds that it is in the interest of justice to grant the relief requested. Accordingly, the Court **GRANTS** Defense Counsel’s Motion to Withdraw as Counsel [#33].

The Federal Defender Office is appointed to appoint a CJA panel attorney to represent Defendant in this matter. The parties, including newly appointed counsel, shall appear for a Status Conference on January 6, 2021 at 11:00 a.m.

As the parties discussed at the hearing, Defense Counsel shall return the discovery in this matter to the Government. Moreover, the Government shall provide such discovery to Defendant’s newly appointed counsel as soon as possible.

IT IS SO ORDERED.

Dated: December 14, 2020

/s/Gershwin A. Drain
GERSHWIN A. DRAIN
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
December 14, 2020, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Case Manager